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Remarks

Reconsideration of the above-captioned application is respectfully requested. Claims 2, 3, 13, 14, 22, and 23 have been rejected as being indefinite, which rejections, while incorrect, have been further obviated by the clarifying amendments herein the relevant claims as supported in, e.g., Figure 15, blocks 108 and 112. The indefiniteness rejections will not be further addressed.

Claims 1-3 have been rejected under 35 U.S.C. §102 as being anticipated by Schwenk (USPN 6,222,923), and Claims 4-30 have been rejected under 35 U.S.C. §103 as being obvious over Schwenk in view of Yoshida et al. (IEEE).

To overcome the applied references, Claim 1 has been amended to recite determining whether the traitor subset represents at least two traitor receivers, and if so, dividing the traitor subset into two child sets as shown in Figure 15, blocks 108 and 112. Claim 2 has been canceled, Claim 3 amended accordingly, and Claims 13 and 22 amended to obviate the indefiniteness rejections mentioned above. Claims 1 and 3-30 remain pending.

Rejections Under 35 U.S.C. §102

With respect to the anticipation rejections, the Office Action alleges that Schwenk, col. 4, lines 8-33 teaches dividing a traitor subset into child sets (formerly recited in Claim 2) and removing complementary subsets. Both allegations are wrong. Nowhere does the relied-upon section of Schwenk teach dividing a subset. It teaches finding the intersection between two subsets, but in neither case is one divided, much less is anything that might be considered to be "complementary" ever "removed" from anything, much less still something that the relied-upon section of Schwenk indicates is a "frontier" set. The rejection is overcome.

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Rejections Under 35 U.S.C. §103

The enclosed declaration swears behind Yoshida et al., removing it as a reference. Note that inventor Lotspiech is on retirement leave and will be unavailable until January.

Moreover, there is no fair suggestion to combine the references as proposed. Schwenk is directed to re-keying receivers in the presence of pirates, and as discussed further below does nothing to find traitors other than determining device subset intersections without ever evidently drilling down into the subsets. This is an entirely different approach to the problem than that used by Yoshida et al., which would appear to have no relevance to Schwenk, much less a convenient manner of integrating it with Schwenk. Accordingly, the proffered suggestion to combine (to increase efficiency), while at best perhaps having relevance to Yoshida et al., has no relevancy to Schwenk.

Apart from this Applicant does not acquiesce that Yoshida et al. teaches what the examiner alleges it teaches. For instance, the "special value" relied upon as the claimed "false key" appears to be output from the traitor, but the section of Yoshida et al. that has been cited in the Office Action does not appear to disclose that the "special value" encodes anything, in contrast to the claimed false key. Moreover, just where this "special value" comes from, how it is used, and a host of other considerations do not appear to be enabled in Yoshida et al. Certainly, the Office Action does not point out any section of Yoshida et al. that might address these shortfalls.

It is to be understood that while Applicant has focussed on the independent claims to facilitate prosecution, Applicant's silence as to other rejections (e.g., as to dependent claim rejections) must not be taken as acquiescence in those rejections.


1053-122.AMD

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The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,



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